

INFORMATION PAPER

SUBJECT: Guidance on Speaking Engagements by Department of the Defense (DoD) Personnel

1. This paper will summarize the limits placed upon DoD personnel when they are invited to speak to Non-Federal Entities and the restrictions applicable to such activities.
2. There are many general and specific limitations placed on the outside activities of Federal personnel depending upon their status. These limitations are based upon the Joint Ethics Regulation and various Federal statutes. The rationale behind these limitations is to avoid conflicts of interest, misuse of Government resources, and misuse of Government position. Generally DoD personnel should not give the impression of granting preferential treatment to and may not officially endorse a non-Federal entity. The Joint Ethics Regulation (JER) serves as the primary guide in this area. This information paper will discuss generally what is and is not allowed when a DoD employee speaks to a non-Federal entity.
3. DoD employees may speak to non-Federal entities in one of two capacities. First they may speak in their official capacity. When speaking in an official capacity they must follow relevant public affairs guidance as well as the JER requirements. There must be a determination that the speaking engagement is in the DoD's public affairs interest, military training interest, or community relations interest. Second, DoD personnel may speak to non-Federal entities in their personal or private capacity.
4. DoD employees who have been approved to speak in their official capacity may wear their uniform while speaking. They may also speak on official matters provided their comments have been reviewed as required through military public affairs channels. Speaking may not interfere with official duties, the event must be free or reasonably priced to cover the costs of the event. If the event exceeds a reasonable cost to cover the event or is a fundraiser, then DoD participation must be incidental to the event (the DoD speaker cannot be the main draw or used as a draw for the fundraiser). A determination must be made that the event is appropriate for association with DoD. When speaking in an official capacity some additional limits include:
 - a. DoD employees cannot be compensated or paid for speaking to a non-Federal entity in their official capacity. A speaker may receive a small token or gift for their appearance. Generally this is limited to a gift less than \$20. These gifts should ideally be identified in advance and reviewed by an ethics counselor to ensure they do not violate any provisions of the JER.
 - b. The ban on compensation does not prohibit the offer, by the organization, to pay or assist in the payment of, travel related expenses. This offer must be reviewed in advance for propriety by an ethics counselor.
 - c. Employees may not endorse a private organization or activity in their official capacity. Employees may not use or permit the use of their Government position, title, or authority that

could reasonably be construed to imply official endorsement of a non-Federal entity. The use of official letterhead for anything than official correspondence is prohibited. Use of rank and service are allowable as these are considered terms of address and do not imply official endorsement.

d. Additionally, DoD employees cannot give the appearance of improperly supporting a non-Federal entity.

5. When speaking in a private capacity a speaker may not wear their uniform. They may not officially endorse or appear to officially endorse a non-Federal entity or activity that is otherwise prohibited in their official capacity. Additional limits include:

a. Speakers may not discuss official actions, policies, or procedures absent prior approval through appropriate channels.

b. Speakers may not use their official title or position in advertising before or the introduction during the speaking engagement. Use of rank and service are allowable as these are considered terms of address and do not imply official endorsement.

c. While the ability to fundraise in a personal capacity is greater there are still limits for a DA employee and any fundraising activity for a non-Federal entity should be reviewed by an ethics counselor in advance.

6. There are some other limits on DoD employees. They may not discuss non-public information (base closures, troop rotations) or information not releasable under the Freedom of Information Act. The non-Federal entity must be one that is appropriate for association with DoD and cannot call into question DoD practices or show favoritism. If there is pending litigation or significant official contact with a non-federal entity, such as companies engaged or seeking to engage in significant contracting activities, the employee should decline the speaking engagement

7. Questions should be addressed to LTC Jonathan A. Kent at jonathan.kent@us.army.mil or by calling 49-6221-57-5852/5844